

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF ADOPTION AND
RULE I and amendment of ARM) AMENDMENT
10.57.102 and 10.57.201 relating to)
Class 8 licensure)

TO: All Concerned Persons

1. On July 31, 2008 the Board of Public Education published MAR Notice No. 10-57-246 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 1521 of the 2008 Montana Administrative Register, Issue Number 14.

2. The board has amended the following rules as proposed: ARM 10.57.102 and 10.57.201.

3. The board has adopted the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (10.57.437) CLASS 8 DUAL CREDIT-ONLY
POSTSECONDARY FACULTY LICENSE (1) through (2)(b) remain as proposed.
(c) only when teaching dual credit courses within the role and scope of their duties assigned by the employing postsecondary institution.
(3) through (5) remain as proposed.
(6) This rule shall be applied beginning with the fall semester of 2009.

4. The board has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: Dr. Thomas Gibson, OCHE, stated that higher education is supportive of New Rule I as written, but continues to have some concern about the rubric/matrix not being completed at the time of the proposed adoption of the rule. Other concerns addressed were in connection with training, fingerprinting, oath, and the time connected to this licensing process. Overall, higher education's spirit of serving K-12 students drives this support and they appreciate the opportunity to participate.

RESPONSE #1: The Board of Public Education appreciates Dr. Gibson's concern and is confident that the rubric and implementation of the rubric will be fair, understandable, easy to administer, and will honor the skills and proficiencies of all qualified postsecondary faculty.

COMMENT #2: Dr. Bruce Messinger, Superintendent of Helena Public Schools and Chair of the E-Learning Consortium, supports this rule for the students at the secondary level to provide opportunities to take dual-credit courses. Dr. Messinger did caution the Board of Public Education to be wary about the equity of opportunities for students.

RESPONSE #2: The Board of Public Education appreciates Dr. Messinger's concern and believes if all postsecondary faculty teaching dual-credit are licensed, there will be no adverse equity of opportunity issues.

COMMENT #3: Ms. Cathy Swift, OCHE, wanted to clarify the rules listed in New Rule I(3)(c) to be "as required by 20-4-104, MCA, ARM 10.57.201(4) and 10.57.201A."

RESPONSE #3: The Board of Public Education appreciates the review of citations by Ms. Swift and will endeavor to review drafts for accuracy before they are released to the public. The citations stated by Ms. Swift are correct and are the ones contained in the Notice of Proposed Adoption and Amendment published by the Secretary of State on July 31, 2008.

COMMENT #4: Mr. Darrell Rud, SAM, thanked the Board of Public Education and the Distance Learning Task Force for the work that may have seemed arduous at times, but felt the input from the School Administrators of Montana was appreciated and valued.

RESPONSE #4: The Board of Public Education appreciates the input from the School Administrators of Montana.

COMMENT #5: Mr. Dan Zorn, Assistant Superintendent of Kalispell Public Schools, submitted a written comment on July 24, 2008 expressing concern that teachers at postsecondary institutions, which do not include an accredited professional educator preparation program, would be excluded from eligibility for a Class 8 license.

RESPONSE #5: The Board of Public Education appreciates Mr. Zorn's concern, and asserts that an appropriate official from a Montana or NCATE accredited professional education preparation program will be part of the review and verification process for Class 8 applications. The board feels this will satisfy the requirements of New Rule I (ARM 10.57.437(3)(b)). Therefore any college faculty from any postsecondary institution would be eligible for a Class 8 dual-credit only postsecondary faculty license provided they meet the other requirements of ARM 10.57.437.

COMMENT #6: Mr. Dan Zorn, Assistant Superintendent of Kalispell Public Schools, submitted a written comment on August 25, 2008 expressing reservations regarding the fact that the rubric for qualifying Class 8 license recipients is not complete.

RESPONSE #6: The Board of Public Education appreciates Mr. Zorn's concern and is confident the rubric and implementation of the rubric will be fair, understandable, easy to administer, and will honor the skills and proficiencies of all qualified postsecondary faculty.

COMMENT #7: Mr. Bob Vogel, MTSBA Director of Governmental Relations, expressed MTSBA's appreciation to the Board of Public Education for its effort to bring stakeholders together to craft a rule that will allow for greater student opportunities through the promotion of dual-credit instruction.

RESPONSE #7: The Board of Public Education appreciates Mr. Vogel's comment on behalf of MTSBA.

/s/ Steve Meloy
Steve Meloy
Rule Reviewer

/s/ Patty Myers
Patty Myers, Chairperson
Board of Public Education

Certified to the Secretary of State September 15, 2008.